

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-5, drawn to a pyrogenically produced silica powder;

Group II: Claims 6-11, drawn to a process for the production of silica powder;

Group III: Claims 13-14, drawn to a toner and method of producing a toner;

Group IV: Claims 15-16, drawn to a silicone or rubber product and method of producing a silicone or rubber product;

Group V: Claim 17, drawn to a method for adjusting the rheology of a liquid system;

Group VI: Claims 18-19, drawn to a dispersion and method of producing;

Group VII: Claims 20-21, drawn to a filler for the film coating of polyethylene terephthalate and polyvinyl acetate and method of producing; and

Group VIII: Claims 22-23, drawn to a lacquer or a paint and method of producing.

Applicants provisionally elect Group I, Claims 1-5, drawn to a pyrogenically produced silica powder, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the eight groups.

Moreover, the MPEP § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

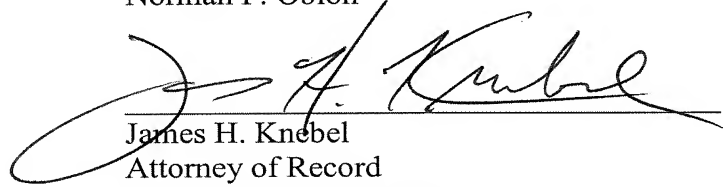
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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